IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

WEDNESDAY, THE 10TH OCTOBER 2007 / 18TH ASWINA 1929

WP(C).No. 27663 of 2007(R)

PETITIONER:

LEKSHMIKUTTY D/O. VELUMBI,
MANGALATHU THARAYIL HOUSE,KAPPIL MEKKUM MURI,
KRISHNAPURAM VILLAGE, ALAPPUZHA DISTRICT.

BY ADV. SRI.LATHEESH SEBASTIAN

RESPONDENTS:
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1. **MOHANDAS, KALAPPURAKKAL HOUSE,**
   KARUVATTAMKUZHI MURI, KOORIKKADU VILLAGE,
   ALAPPUZHA DISTRICT.

2. **REJI, KALAPPURAKKAL HOUSE, DO..DO..**

3. **PADMAVATHI AMMA USHA DEVI,**
   KALAPPURAKKAL HOUSE.

BY

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 10/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

KSS

M.N. KRISHNAN, J.

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W.P.C. NO. 27663 OF 2007

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Dated this the 10th day of October, 2007.

J U D G M E N T

This writ petition is filed against the order of the Subordinate Judge, Mavelikkara in I.A.2307/04 in O.S.279/95. The facts and circumstances of the case would reveal that a suit for damages was filed and it was compromised for a sum of Rs.13,000/-, with 6% interest in case of default if it is not paid within 31.3.2003. The amount was paid. Subsequently, the plaintiff received a communication from the Collectorate directing her to deposit the Court fee which is a fabulous amount. Now, the petitioner wants to set aside the decree on the ground that it is behind her back a compromise has been arrived at. I am not going into the merits or demerits of the case but it can be seen that the poor plaintiff in the suit has got only Rs.13,000/- and the Court fee to be paid will be much more than that and therefore it requires some sympathetic consideration. Similarly, I think the Court below was wrong

when it directed the petitioner to pay the Court fee for the reason that she has already been permitted to sue as an indigent person. Therefore, I set aside the order under challenge restoring the application which is filed for reviewing the order passed in the earlier I.A. Considering the specific background of the case, I hope that the Court will have a sympathetic consideration of the entire matter and of course within the parameters of law.

The writ petition is disposed of accordingly.

M.N. KRISHNAN, JUDGE.

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